

HON'BLE SRI JUSTICE GODA RAGHURAM.

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W.P.NO. 17238 OF 2005

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ORAL ORDER:

1. Petitioner was an applicant for authorization of a fair-price shop in Hothy (K) village, Zaheerabad Mandal, Medak District, pursuant to a notification issued for the purpose dated 17.11.2004. At the selection, one P. Gopal was selected and given the authorization. Aggrieved, the petitioner preferred an appeal before the first respondent. The first respondent allowed the petitioner's appeal and declared that the authorisee Sri P. Gopal was ineligible for appointment as a fair-price shop dealer. Thereupon the petitioner requested the second respondent to consider the candidature of the other candidates who had applied pursuant to the notification dated 17.11.2004. However, by the impugned notification dated 30.06.2005, the second respondent notified afresh and called for applications for filling up the vacancy caused on the declaration of ineligibility of Sri P. Gopal and the termination of his authorization. Petitioner contends that the second respondent acted "arbitrarily" in issuing a notification afresh and that he was obligated to consider only the other candidates who had applied pursuant to the earlier notification dated 17.11.2004 instead of calling for a fresh notification.

2. This the above and singular contention of the petitioner merits no acceptance. If the person, who was given authorization pursuant to the earlier notification dated 17.11.2004, has been found ineligible and his authorization

cancelled, it is open to the respondents and the competent authority to either consider the case of the other candidates or notify afresh by calling for fresh applications from persons who are now eligible and desirous of applying for the authorization and providing them an opportunity of participating in this largesse of the State. This Court finds no perversity in the exercise of discretion by the second respondent warranting interference. If the procedure and methodology followed by the second respondent is not per se illegal, perverse or irrational, then the fact that in the circumstances an alternative methodology could have been employed would not result in the exercise of jurisdiction by this Court and directing that a particular methodology should be followed.

3. This Court does not substitute the wisdom or spectrum of discretion of the respondents. On the analysis, there are no merits. Writ petition is dismissed at the admission stage after hearing the learned Government Pleader for Civil Supplies.

GODA RAGHURAM. J.,

Dated: 05.08.2005.

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